

MEASURES APPLICABLE TO THE PROVINCIAL COURT OF NEW BRUNSWICK

NOTICE TO THE MEDIA, JUSTICE PARTICIPANTS AND THE PUBLIC - June 1st, 2020

This Notice replaces the Court's previous Directive issued March 20th, 2020.

Effective June 1st, 2020 and until further notice, the Provincial Court of New Brunswick is easing the restrictions on court operations issued March 20th, 2020. Notwithstanding, the Court remains mindful of the need to protect the health and safety of the public to contain the spread of COVID-19. As such, access to the Provincial Court continues to be restricted to participants who are necessary to the proceedings before the Court which includes counsel, accused, defendants, witnesses, complainants and/or victims, support workers, and members of the media. The presiding Judge may limit access to the court room as deemed appropriate.

CRIMINAL MATTERS

First appearances, trials, preliminary inquiries, sentencing hearings, applications to vary court orders and judgements will proceed as scheduled and the Accused must appear in person unless ordered otherwise by the presiding judge in advance of the scheduled appearance;

Unless the presiding judge orders otherwise, bail hearings and sentencing hearings for in-custody Accused will continue to proceed via video-conference;

Counsel who are requesting an adjournment of their client's election or plea or who are appearing for any other matter under the Criminal Code or under Federal Statutory legislation may appear via telephone if approved by the presiding Judge. They are required to call the local court office in advance of the scheduled appearance to confirm their contact information so that an audioconference can be scheduled with the Court on their client's scheduled appearance date.

UNREPRESENTED ACCUSED:

If you are scheduled for a trial, preliminary inquiry, sentencing hearing, or judgement and you are not represented by counsel, you must appear in court on your scheduled date unless you have covid19 related symptoms. If you are experiencing COVID-19 symptoms, you must contact the local court office by telephone and in advance of your scheduled appearance. You will be required to provide your contact information to schedule a court appearance by telephone and you may be required to provide proof of your medical symptoms.

If you want to adjourn an election or plea, or are required to appear for a default hearing or want to request an extension of a Fine Order payment under the Criminal Code or under Federal Statutory legislation, you may appear by telephone if approved by the presiding Judge but you are required to call the local court office in advance of your scheduled appearance date to confirm your contact information so that an audioconference can be scheduled with the Court on your scheduled appearance date.

ALL OTHER MATTERS: (Regulatory Offenses, Provincial tickets and By-laws)

All individuals scheduled for trial must appear in person on their scheduled trial date.

Individuals required to attend court for a First Appearance or for plea can appear via telephone, but they are required to call the local court office in advance of their scheduled appearance to confirm their

contact information so that an audioconference can be scheduled with the Court on their scheduled appearance date.

All individuals required to make a ticket or by-law payment are encouraged to do so on-line or by telephone if making a credit card payment or by certified mail.

ELSIPOGTOG COURT:

This court will proceed with appropriate social distancing measures.

TELEWARRANTS:

Until further notice, the Directive issued March 24th, 2020 shall continue to be in effect.

PUBLIC HEALTH GUIDELINES:

To ensure that the Public Health guidelines are met, entrance into the courthouse may be restricted or delayed as everyone will be screened prior to entry. To expedite entry into the courthouse, justice participants are strongly encouraged to bring documentary proof that their presence in court is required.

Counsel and witnesses are encouraged to arrive to Court in advance of their scheduled trial time to allow discussions to be held in a space that will respect the physical distancing requirement.

Anyone experiencing COVID-19 related symptoms or who have been advised to self-isolate must refrain from entering the courthouse. Those with scheduled court appearances, including those who have been subpoenaed for court, must immediately call the appropriate court office for further instructions and **in advance of their scheduled appearance**.

Out of precaution for all those employed in the Justice system, all justice participants and media persons required to enter the courthouse are strongly encouraged to wear masks. Further, they shall:

- Cooperate with the Sheriff or other authorized personnel during the screening process;
- Obey the capacity limits established by the Court;
- Obey all Public Health hygiene and physical distancing requirement of 2 metre between individuals; and
- Obey all signs and physical indicators while waiting in line to enter the court facility or courtroom

Access to elevators and public washrooms will be limited to a maximum number of people to respect social distancing requirements. For that reason, the use of stairs is encouraged.

Justice participants are also advised that cleaning protocols have been increased inside courtrooms as well as in the secure and common areas of the court facilities.

COURT OFFICES:

Individuals who need to communicate information to the Court are asked to use telephone or email;

- Individuals are encouraged to pay their fines online, by e-mail or by telephone whenever possible;

- Individuals wanting to file documents with the court are encouraged to utilize the drop boxes located in each courthouse or file their documents through mail, facsimile transmission or email.

FURTHER DIRECTIVES FOR COUNSEL

Counsel are advised to speak with their witnesses in advance of their trial dates as witnesses should not be present in court if they are experiencing COVID-19 related symptoms.

Further, on all indictable matters, counsel are encouraged to obtain a designation in accordance with section 650 of the CC.

Wherever possible and in advance of the scheduled trial date, counsel should confirm with court staff the number of witnesses required for trial. This will assist with effective management of traffic in and out of the court building and courtrooms.

Chief Judge J. Richard

Provincial Court of New Brunswick